

1 **WAKANAKISING ODAWAK STATUTE**
2 **DONATED LAND ACCEPTANCE**
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5 **SECTION I. SHORT TITLE.**
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7 This Statute shall be cited as the 'Land Acceptance Statute'.
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9 **SECTION II. PURPOSE**
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11 The purpose of this Statute is to solicit and receive land or other interest in land
12 as gifts that are beneficial to the Tribe and its Tribal Citizens.
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15 **SECTION III. DEFINITIONS**
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17 **A.** "Interest in Land" means any and all, partial or total right to property or for the
18 use of property.
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20 **B.** "Tribal Lands" means property either owned or leased by the Tribe or property
21 that is held in trust for the benefit of the Tribe.
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23 **C.** The "Tribe or LTBB" shall mean the Little Traverse Bay Bands of Odawa
24 Indians.
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27 **SECTION IV. CONSTITUTIONAL AUTHORITY**
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29 **A.** In accordance with the Constitution, Tribal Council has the power to receive by
30 gift both land and interests in land, in which the Tribal Council may deem beneficial to
31 the Tribe.
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34 **SECTION V. LAND**

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2 **A.** All gifts of land or other interest in property shall be approved by Tribal Council
3 by majority vote.
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5 **B.** Prior to acceptance of any gift of land or other interest in property, Tribal Council
6 shall require an initial environmental review, known as a phase I assessment. In the
7 event that the initial review reveals a potential problem, the Tribe may require an
8 environmental audit.
9

10 **C.** A Phase I assessment typically includes an preliminary environmental impact
11 statement, analysis of land use and cover of land that identifies such items as plant life,
12 buildings, utility easements, etc., the current zoning of the property, recommendations for
13 potential use, and other additional information specific to the land
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15 **D.** Prior to acceptance of an gift of land or other interest in property, Tribal Council
16 shall determine if there are any covenants, conditions, restrictions, reservations,
17 easements, encumbrances or other limitations associated with the property
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20 **SECTION VI. CRITERIA FOR ACCEPTANCE OF GIFTS OF LAND OR**
21 **INTERESTS IN LAND**
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23 **A.** Through the approval of a land acquisition plan or as amended, Tribal Council
24 shall prioritize and rank various land acquisition goals to determine the benefits of the
25 land or interest in land to the Tribe and its Tribal Citizens.
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27 **B.** Such items shall be considered in determining the benefit to the Tribe and its
28 Tribal Citizens:
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30 **1.** Cost, including insurance, property taxes, mortgages, notes, and
31 maintenance expenses associated with the property
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33 **2.** Cultural importance
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1 **3.** Tribal image with consideration toward culture, political, historical
2 considerations

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4 **4.** Housing

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6 **5.** Jobs

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8 **6.** Schools/Education

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10 **7.** Health Care

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12 **8.** Treaty Rights

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14 **9.** Community inclusion

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16 **10.** Natural Resources.

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19 **SECTION VII. SEVERABILITY**

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21 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is,
22 for any reason, held invalid or unconstitutional by any court of competent jurisdiction,
23 such portion shall be deemed a separate, distinct and independent provision and such
24 holding shall not affect the validity of the remaining portions thereof.

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27 **SECTION VII. EFFECTIVE DATE**

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29 Effective upon signature of the Executive or thirty (30) days from Tribal Council
30 approval which ever comes first or if the Executive vetoes the legislation, then upon
31 Tribal Council override of the veto.

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34 **SECTION IX. OTHER RELATED STATUTES**

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See Waganakising Odawak Statute 2009-007“Land Use Statute”, or as may be amended.

CERTIFICATION

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